

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 SCS-03 SCA-01 SS-15 SP-02 L-03 H-01

CIAE-00 INR-07 NSAE-00 INRE-00 NSC-05 EB-08

COME-00 PPT-01 SY-05 DHA-02 OPIC-03 PRS-01 SSO-00

NSCE-00 /068 W

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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 224

C O N F I D E N T I A L SECTION 1 OF 2 NAIROBI 9863

DEPT PASS TO OPIC/KENYA PROMOTION OFFICER

E. O. 11652: GDS

TAGS: CASC, PINT, EINV, KE

SUBJ: SUMMARY EXPULSION OF AMERICAN BUSINESSMAN

1. AT 5 P.M. FRIDAY, JULY 29, THE EMBASSY RECEIVED CALL FROM KENNETH SLOCUM, AMERICAN CITIZEN MANAGING DIRECTOR OF KEN-REN, LTD., A JOINT VENTURE OF N-REN CHEMICALS OF CINCINNATI, OHIO, AND KENYA GOVERNMENT, WHICH IS CONSTRUCTING A FERTILIZER PLANT IN MOMBASA. SLOCUM, IN MOMBASA, HAD BEEN CALLED OUT OF A BUSINESS MEETING AT 4:30 P.M. BY THE MOMBASA HEAD OF KENYA IMMIGRATION, WHO GAVE SLOCUM INSTRUCTIONS TO RETURN TO NAIROBI THAT EVENING, WHERE HE WOULD BE MET ON ARRIVAL AT NAIROBI AIRPORT BY JONATHAN NJENGA, KENYA'S PRINCIPAL IMMIGRATION OFFICER. MESSENGER WAS EMPHATIC THAT THIS MEETING COULD NOT BE POSTPONED, AND THAT IT WOULD TAKE PLACE AT THE AIRPORT. THIS SCENARIO BORE ALL THE EARMARKS OF THE "MIDNIGHT SPECIAL" DEPORTATION PROCEDURES USED IN RECENT YEARS BY THE GOK IN SEVERAL CASES INVOLVING AMERICAN CITIZENS, MOST RECENT EXAMPLE OF WHICH WAS 1975 OUSTER OF THE REV. CARL MCINTYRE, WHO WAS PUT ON DEPARTING AIRPLANE ON ONE HOUR NOTICE, WITHOUT PASSPORT OR OPPORTUNITY TO BID FAREWELL TO WIFE.

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2. SLOCUM ATTRIBUTES HIS DIFFICULTIES TO OPPOSITION FROM POLITICALLY PROMINENT KENYANS WHO HAVE VESTED INTEREST IN PRESENT IMPORTS OF FERTILIZERS THAT WOULD BE SHUT OFF ONCE KEN-REN PLANT BEGINS TO OPERATE. HE STATES THAT KEN-REN BOARD CHAIRMAN J. MBURU, UNDER PRESSURE FROM THESE PARTIES, HAS DEVELOPED PERSONAL ANTAGONISM TO SLOCUM'S ACTIVITIES AS

MANAGING DIRECTOR. AT BOARD MEETING JULY 22-23 IT WAS DETERMINED THAT SLOCUM WOULD BE REPLACED BY INTERIM MANAGING DIRECTOR FROM N-REN, BUT THAT SLOCUM WOULD MAINTAIN CHARGE OF DAILY OPERATIONS UNTIL REPLACEMENT ARRIVED. ANOTHER KEN-REN AMERICAN CITIZEN EXECUTIVE EXPRESSED TO EMBASSY CONSULAR OFFICER FEAR THAT SLOCUM WAS IN TROUBLE BECAUSE HE HAD TAKEN COMPANY DOCUMENTS FROM NAIROBI OFFICE FILES TO MOMBASA IN RESPONSE, SAID THIS EXECUTIVE, TO A REQUEST FROM THE BOARD FOR A "CLARIFICATION" OF CERTAIN ISSUES. SLOCUM HIMSELF HAS NOT MENTIONED THIS ITEM, HOWEVER.

3. AMBASSADOR AND DCM TRIED WITHOUT RESULT TO REACH SOMEONE IN KENYA GOVERNMENT WITH AUTHORITY TO HOLD UP APPARENT DEPORTATION PLAN. IN VIEW OF ASSURANCES THAT DUE PROCESS WOULD BE OBSERVED IN THESE CASES, RECEIVED FROM HIGH GOK OFFICIALS FOLLOWING EMBASSY PROTESTS OF EARLIER INCIDENTS, AMBASSADOR AND DCM SAW POTENTIAL FOR DAMAGE TO GOK-US RELATIONS WERE SLOCUM MARCHED ONTO DEPARTING AIRCRAFT. SLOCUM HIMSELF RECEIVED CALL FROM MOMBASA HOME OF COAST PROVINCE PROVINCIAL COMMISSIONER ELIUD MAHIHU, A SUPPORTER OF KEN-REN PROJECT, AND MAHIHU REPORTEDLY TOLD SLOCUM THAT HE WOULD SEEK INTERVENTION OF ATTORNEY GENERAL NJONJO IN CASE. (MAHIHU LATER REPORTED THAT HE HAD BEEN UNABLE TO REACH NJONJO.) DCM, IN MOMBASA ON LEAVE, WENT TO AIRPORT WITH SLOCUM, WHO WAS ACCOMPANIED BY WIFE, TWO CHILDREN, AND TWO AMERICAN CITIZEN GUESTS WHO WERE VISITING.

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4. PLANE WAS MET ON ARRIVAL IN NAIROBI BY EMBASSY CONSULAR AND COMMERCIAL OFFICERS, AND IT SOON BECAME APPARENT THAT SCENARIO HAD CHANGED ABRUPTLY. EMBOFFS OBTAINED READY ACCESS TO ARRIVAL LOUNGE AND TALKED WITH SLOCUM. PARTY WAS MET BY SIX OFFICERS OF NAIROBI CRIMINAL INVESTIGATION DEPARTMENT, THE LEADER OF WHOM EXPRESSED SURPRISE AT EMBOFFS' SUPPOSITION THAT DEPORTATION OF SLOCUM WAS SCHEDULED. CID SQUAD HAD RECEIVED ORDERS TO ESCORT SLOCUM TO HIS RESIDENCE AND TO SEARCH BAGGAGE AND HOUSE FOR COMPANY DOCUMENTS. CID LEADER TOLD CONSOFF THAT NO ARREST WAS ORDERED, EVEN IF DOCUMENTS BEING SOUGHT IN SLOCUM'S POSSESSION WERE FOUND. CID LEADER DENIED CONSOFF'S REQUEST TO BE PRESENT DURING SEARCH OF SLOCUM'S HOUSE, AND AS NO ARREST HAD TAKEN PLACE CONSOFF WAS HESITANT TO PRESS ISSUE AND POSSIBLY ANTAGONIZE POLICE, WHO WERE BEHAVING CORRECTLY. SLOCUM, HOWEVER, EXPRESSED CONCERN FOR PHYSICAL SAFETY OF HIS FAMILY AND MADE STRONG REQUEST THAT AN EMBASSY OFFICER "OR MARINE GUARD DETACHMENT" BE STATIONED OUTSIDE HIS HOUSE THAT NIGHT. CONSULAR AND COMMERCIAL OFFICERS DECIDED TO GO TO SLOCUM HOME.

5. AT RESIDENCE EMBOFFS WERE PERMITTED TO ENTER AND REMAIN

IN LIVING ROOM WHILE POLICE SEARCHED HOUSE WITH SLOCUM'S FULL COOPERATION. GROUP WAS JOINED BY TWO OF SLOCUM'S BUSINESSMEN FRIENDS, BOTH AMERICAN CITIZENS. POLICE IMPOUNDED SEVERAL DOCUMENTS FOUND IN HOUSE, WHICH SLOCUM SAID HAD NO RELATION TO HIS BUSINESS, AND PROVIDED RECEIPT. SLOCUM WAS INSTRUCTED TO REPORT TO CID HEADQUARTERS FOLLOWING MORNING WHEN A SEARCH OF HIS OFFICE FILES WOULD BE CONDUCTED. POLICE LEFT RESIDENCE AT 2 A.M., THE WHOLE PROCEDURE HAVING BEEN CARRIED OUT COURTEOUSLY. SLOCUM TOLD EMBOFFS THAT ON RIDE FROM AIRPORT TO RESIDENCE ONE CID MAN HAD THREATENED TO "GET ROUGH", BUT CID SQUARD LEADER APOLOGIZED FOR THIS IN OFFICER'S PRESENCE AND PROMISED NO RECURRENCE OF THIS SORT OF BEHAVIOR.

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6. FOLLOWING MORNING SLOCUM'S OFFICE WAS SEARCHED, FILES PLACED UNDER SEAL, AND HIS PASSPORT TAKEN BY CID OFFICERS. ON MONDAY, AUGUST 1, SLOCUM RECEIVED LETTER FROM KEN-REN BOARD CHAIRMAN STATING THAT HE WAS BARRED FROM OFFICE PREMISES. LATER IN DAY HE WAS SUMMONED TO MEETING WITH A KENYA SENIOR IMMIGRATION OFFICER. SLOCUM WAS ACCOMPAINED TO MEETING BY HIS ATTORNEY AND BY CONSULAR OFFICER. AT MEETING IMMIGRATION OFFICER STATED HIS DESIRE TO ELIMINATE ANY IDEA THAT SLOCUM WAS TO BE DEPORTED. HE STATED THERE HAD NEVER BEEN ANY SUCH INTENTION (DESPITE FACT THAT KENYA IMMIGRATION OFFICER IN MOMBASA, NOT POLICE OFFICER, HAD PRESENTED SLOCUM WITH VERBAL SUMMONS TO NAIROBI, INVOKING NAME OF PRINCIPAL IMMIGRATION OFFICER NJENGA). IMMIGRATION OFFICER THEN EXPLAINED DIFFERENCE BETWEEN FORMAL DEPORTATION, WHICH INVOLVES ORDER SIGNED BY KENYA VICE PRESIDENT, AND INFORMAL REQUEST THAT SOMEONE LEAVE. AS MEETING PROGRESSED, IT BECAME APPARENT THAT SLOCUM WAS BEING GENTLY TOLD TO DEPART FROM KENYA AND THAT IF HE MADE EFFORT TO COMPLY, BY STARTING

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ACTION AF-10

INFO OCT-01 ISO-00 SCS-03 SCA-01 SS-15 SP-02 L-03 H-01
CIAE-00 INR-07 NSAE-00 INRE-00 NSC-05 EB-08

COME-00 PPT-01 SY-05 DHA-02 OPIC-03 SSO-00 NSCE-00

PRS-01 /068 W

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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 225

C O N F I D E N T I A L SECTION 2 OF 2 NAIROBI 9863

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TO ARRANGE HIS PERSONAL AFFAIRS, HE WOULD IN ALL PROBABILITY BE PERMITTED TO LEAVE QUIETLY AND GRACEFULLY ONCE PREPARATIONS WERE COMPLETED. IMMIGRATION OFFICER SAID HE HAD BEEN ASKED BY CID ABOUT SLOCUM'S PASSPORT AND HAD ADVISED CID THAT NO DEPORTATION WAS BEING PLANNED. IMMIGRATION OFFICER SEVERAL TIMES SAID KENYA IMMIGRATION RESENTED BEING USED AS A CLUB TO TAKE CARE OF PROBLEMS FOR OTHER KENYAN OFFICIALS, AND EXPRESSED BELIEF THAT "HIGHLY PLACED" PERSONS MUST BE BEHIND SLOCUM'S DIFFICULTIES. THIS OFFICIAL WAS MOST FRANK AND CORDIAL THROUGHOUT INTERVIEW.

7. SCENARIO WAS REVERSED AGAIN ON FOLLOWING DAY WHEN SLOCUM WAS ASKED TO MEET WITH PRINCIPAL IMMIGRATION OFFICER NJENGA. IN PRESENCE OF CONSULAR OFFICER AND EN-REN EXECUTIVE FOREST LOMBAER, WHO HAD ARRIVED PREVIOUS EVENING FROM BRUSSELS, NJENGA INFORMED SLOCUM THAT HE SHOULD LEAVE KENYA WITHIN 48 HOURS. NJENGA AGAIN STATED THAT SLOCUM WAS NOT BEING FORMALLY DEPORTED, BUT HE MADE IT CLEAR THAT IF SLOCUM DID NOT DEPART AS REQUESTED, FORMAL MEASURES WOULD BE TAKEN. NJENGA SAID HE BELIEVED IF SLOCUM DEPARTED VOLUNTARILY HE WOULD BE ABLE TO RETURN "AFTER THE DUST SETTLES" TO SPEND A COUPLE OF WEEKS WINDING UP PERSONAL AFFAIRS. NO ESTIMATE WAS MADE OF CONFIDENTIAL

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HOW LONG THIS INTERIM PERIOD MIGHT LAST. NJENGA APPEARED ILL AT EASE DURING MEETING AND EMPHASIZED THAT HE WAS ONLY DELIVERING INSTRUCTIONS FROM UNNAMED OTHER PARTIES WHO, HE SAID, HAD BEEN CLAMORING FOR SLOCUM'S OUSTER WELL IN ADVANCE OF THE 48 HOUR LIMIT BEING GIVEN. IT WAS CLEARLY ESTABLISHED THAT SLOCUM COULD DEPART ON THURSDAY, AUGUST 4 FLIGHT AND STILL BE WITHIN DEADLINE, AND SLOCUM AND LOMBAER EXPRESSED COMPLETE ACCEPTANCE OF THESE TERMS.

8. CONSULAR OFFICER THEN ASKED NJENGA WHETHER CID HAD RELEASED SLOCUM'S PASSPORT. NJENGA CALLED CID HEADQUARTERS AND WITHIN MINUTES AN ASSISTANT COMMISSIONER AND A CHIEF INSPECTOR ARRIVED. PARTY WAS ESCORTED IN SLOCUM'S PRIVATE CAR TO CID HEADQUARTERS, WHERE THE CID ASSISTANT COMMISSIONER PROCEEDED TO INTERROGATE SLOCUM FOR AN HOUR AND A HALF.

CONSULAR OFFICER WAS PRESENT THROUGHOUT SESSION. CID MAN FIRST WROTE OUT LENGTHY STATEMENT CONTAINING WARNING THAT ANYTHING SLOCUM SAID COULD BE USED IN EVIDENCE AND STATING THAT CID "BELIEVED" THAT SLOCUM HAD STOLEN SOME TWO MILLION PLUS SHILLINGS (APPROXIMATELY \$250,000) FROM KEN-REN BY MEANS OF UNAUTHORIZED PAYMENTS TO A PROJECT SUBCONTRACTOR. CONSULAR OFFICER INQUIRED WHAT SLOCUM'S RIGHTS WERE AT THIS STAGE AND WAS ADVISED THAT SLOCUM COULD REFUSE TO ANSWER ANY QUESTIONS AND COULD ASK THAT ATTORNEY BE PRESENT DURING QUESTIONING. IN VIEW OF THE HOUR (EARLY EVENING) AND PROBABLE DELAY THAT WOULD ENSUE IF KEN-REN ATTORNEY HAD TO BE SUMMONED, SLOCUM AGREED TO LISTEN TO QUESTIONS AND TO ANSWER ONLY THOSE HE WISHED TO ANSWER. CID OFFICER THEN EMBARKED ON SERIES OF QUESTIONS SUGGESTING THAT SLOCUM HAD RECEIVED NO AUTHORITY FROM BOARD OF DIRECTORS TO PAY A MOMBASA CONSTRUCTION FIRM FOR WORK DONE IN PREPARING KEN-REN PLANT BUILDING SITE. QUESTIONS WERE ALSO ASKED ABOUT WHETHER THE CONSTRUCTION FIRM'S DIRECTOR HAD ARRANGED HOME IMPROVEMENTS TO SLOCUM'S

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PRIVATE RESIDENCE WITHOUT ASKING FOR PAYMENT. CID MAN STATED THAT KENYA IMMIGRATION REQUEST THAT SLOCUM DEPART IN 48 HOURS DID NOT CUT OFF POLICE INVESTIGATION INTO POSSIBLE ILLEGAL ACTIVITY BY SLOCUM OR PRECLUDE ARREST. IT WAS BROADLY HINTED, HOWEVER, THAT POLICE WOULD NOT COMPLETE INVESTIGATION BEFORE SLOCUM'S SCHEDULED DEPARTURE AND THAT ONCE HE HAD LEFT KENYA POLICE WOULD HAVE NO WAY OF TAKING HIM INTO CUSTODY. IMPLICATION WAS CLEAR TO ALL AMERICAN PARTICIPANTS IN THIS SESSION THAT SLOCUM WAS BEING WARNED NOT TO RETURN TO KENYA WHERE INVESTIGATION WOULD STILL BE PENDING. AT END OF SESSION SLOCUM DECLINED TO SIGN TRANSCRIPT OF QUESTIONING WITHOUT ADVICE OF ATTORNEY. SLOCUM WAS TOLD THAT CID WOULD RETURN HIS PASSPORT TO KENYA IMMIGRATION FOLLOWING MORNING.

9. AT LUNCH HOUR AUGUST 3 FIVE CID OFFICERS ARRIVED AT SLOCUM RESIDENCE AND ANNOUNCED INTENTION TO SEARCH PREMISES. SLOCUM WAS NOT AT HOME, AND HIS WIFE CALLED EMBASSY. CONSULAR OFFICER WENT TO SLOCUM RESIDENCE AND FOUND THAT SLOCUM HAD RETURNED IN INTERIM AND WAS LEADING CID OFFICERS THROUGH HOUSE. IT DEVELOPED THAT SLOCUM HAD CB RADIO EQUIPMENT INSTALLED IN EACH OF THREE PERSONAL VEHICLES, WITH BASE STATION AT HIS HOME, ALL WITHOUT BENEFIT OF REQUIRED KENYAN RADIO LICENSES. SLOCUM TOLD CID MEN HE WOULD DISMANTLE EQUIPMENT AND INCLUDE IT IN HIS HOUSEHOLD EFFECTS THEN BEING PACKED BY MOVING COMPANY. CID MEN ACCEPTED THIS PLAN BUT WARNED THAT IF SLOCUM HAD NOT DEPARTED COUNTRY WITHIN 48 HOUR LIMIT HE WOULD BE CHARGED WITH ILLEGAL OPERATION OF RADIO EQUIPMENT. SLOCUM CONTINUES WITH PLANS TO LEAVE BY NIGHT OF AUGUST 4, FAMILY FOLLOWING AUGUST 5.

10. COMMENT: THERE IS LITTLE EVIDENCE THAT SLOCUM'S CIVIL RIGHTS HAVE BEEN VIOLATED BY POLICE AND IMMIGRATION PROCEDURES CARRIED OUT THUS FAR. WHILE THE ENTIRE EXPERIENCE HAS BEEN FRIGHTENING AND HARASSING TO SLOCUM AND HIS FAMILY, HE IS STILL RECEIVING BETTER TREATMENT THAN HE WOULD HAD A FORMAL CONFIDENTIAL

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DEPORTATION ORDER BEEN ISSUED. EMBASSY BELIEVES FULL-SCALE IMMEDIATE DEPORTATION WAS IN THE WORKS FRIDAY NIGHT AND THAT FOR SOME REASON THIS PLAN WAS CHANGED TO A POLICE INVESTIGATION AND REQUEST FOR VOLUNTARY DEPARTURE. IN THIS SITUATION, EMBASSY BELIEVES IT HAS LITTLE GROUND FOR POSSIBLE PROTEST AT MINISTERIAL LEVEL AND DOUBTS THAT ANY TIME COULD BE WON FOR SLOCUM IN ANY CASE. N-REN HEAD OFFICE EXECUTIVE LOMBAER HAS NOT REQUESTED EMBASSY INTERVENTION WITH AUTHORITIES BUT PLANS TO QUERY KENYAN PARTICIPANTS IN THE VENTURE ABOUT EXTENT OF SUPPORT FOR THE PROJECT. IN ORDER TO PRESERVE WORKING RELATIONS WITH KENYAN PARTICIPANTS N-REN APPEARS WILLING TO COOPERATE WITH TIMETABLE FOR SLOCUM'S DEPARTURE AND TO TREAT THE AFFAIR AS THE RESULT OF PERSONALITY CONFLICT BETWEEN SLOCUM AND KENYANS.

11. FOR OPIC: WE INTEND TO SUBMIT AN ASSESSMENT NEXT WEEK OF FUTURE PROSPECTS FOR KEN-REN IN LIGHT OF SLOCUM'S EXPULSION AFTER DISCUSSIONS WITH SLOCUM'S TEMPORARY SUCCESSOR AND WITH GOK OFFICIALS.
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